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**DCSS P3 PROGRAM  
NON-CAMP ENFORCEMENT WORKGROUP  
AUGUST 7, 2000 MEETING  
MEETING SUMMARY**

**A. GENERAL**

On Monday, August 7, 2000, the California Department of Child Support Services (DCSS) Policies, Procedures, and Practices (P3) Program Non-CAMP Enforcement Workgroup held its second official session in Sacramento. The following members attended:

<input checked="" type="checkbox"/>	April, Ann	Large County Rep.
<input checked="" type="checkbox"/>	Barnes, Rose	Medium County Rep./Analyst
<input checked="" type="checkbox"/>	Boyson, Phyllis	Small County Rep.
<input type="checkbox"/>	Fehringer, Collette	DCSS
<input type="checkbox"/>	Flores, ED	DCSS Analyst
<input type="checkbox"/>	Hill, Denise	FTB Rep
<input checked="" type="checkbox"/>	Hill, Lawrence	Large County Rep./Union rep.
<input checked="" type="checkbox"/>	Hennessey, Jim	PSI
<input checked="" type="checkbox"/>	Horstman, Herb	Judicial Council
<input checked="" type="checkbox"/>	Michael, Sheila	Medium County Rep.
<input checked="" type="checkbox"/>	Nitz, Michelle	CCSAS Rep.
<input checked="" type="checkbox"/>	Pankey, Pam	FTB Rep.
<input checked="" type="checkbox"/>	Rolan, Lucila	CCSAS Rep.
<input checked="" type="checkbox"/>	Saunders, Barbara	OCSE Rep.
<input type="checkbox"/>	Schambre, John	OCSE Rep.
<input checked="" type="checkbox"/>	Silverman, Larry	County Leader
<input checked="" type="checkbox"/>	Snider, Melanie	ACES
<input checked="" type="checkbox"/>	Vogl, Richard	County Co-leader
<input checked="" type="checkbox"/>	Wynne, Tricia	Judicial Counsel Rep.

Attending *ex officio* were:

<input checked="" type="checkbox"/>	Kathie Lalonde, Facilitator (SRA International)
<input checked="" type="checkbox"/>	Larry Wilson, Facilitator (SRA International) partial attendance

This meeting summary highlights points covered, material discussed, decisions made, and follow-up tasks for forthcoming sessions. Comments and corrections should be addressed to Rose Barnes at [rbarnes@stancodafsd.org](mailto:rbarnes@stancodafsd.org)

**B. REVIEW OF LAST MEETING'S MINUTES**

***Larry Silverman*** opened the meeting with a re-introduction of the committee members.

At the prior meeting, Richard Vogl had presented a first draft copy of his report on “**How to Make Uniformity in Enforcement of Child Support in California.**” This document broke down the Enforcement tools as:

- Enforcement tools for cases where only child support is due (current cases)
- Enforcement tools for cases where only arrears are due

Under each of these the question of “Mandated, Administrative and Judicial’ were to be addressed.

For the benefit of committee members absent from the previous meeting, the committee briefly reviewed the list of “current cases” in the 2<sup>nd</sup> draft copy of this document that had been reviewed last time and made comments, recommendations or noted “no new recommendations” as follows:

## **I. ENFORCEMENT TOOLS FOR CASES WHERE ONLY CURRENT CHILD SUPPORT IS DUE**

### **A. Communication with Obligor**

There was a consensus last meeting among the members that predictive dialing was not a satisfactory method of contacting the obligor. Larry Silverman is of the opinion that predictive dialing is successful in L.A. County and in the business world and would like to be noted as a minority opinion on this matter.

### **B. Monthly Billing Statements**

It was advised that contrary to previous statements, there is a requirement for a monthly billing statement to go out to the obligor.

### **C. Abstract of Judgment**

It was noted that in addition to “abstract of judgement”, the added use of the term “recording of order” should be used as counties, can and do, use both methods. Larry Silverman noted that a central repository for a title or escrow company to check for liens would not only be a cost-savings to the counties but allow the child support agencies not to miss property because of lack of knowledge of the county where the obligor had property. **RECOMMENDATION:** Future legislation. It was noted that, currently, the child support divisions have the best availability of knowledge of where to file liens and it would best if the responsibility stayed at the county level.

### **D. Credit Reporting**

No new recommendations.

### **E. Disability/Unemployment cases**

All cases are submitted, but only cases with an unmet arrearage of at least \$150.00 will be eligible for intercept.

### **F. Wage Assignments**

No new recommendations. **ACTION ITEM:** Larry Silverman will review to see if there is a statute to force union halls to comply with wage assignments.

### **G. Medical Insurance Coverage**

No new changes recommended

### **H. Payments through a central agency**

From all indications, it appears that this will not become a reality for about seven years.

**I. Notices to Obligor**

No new recommendations.

**J. Self-employed persons**

The committee noted that use of EFT (Electronic Fund Transfer) or some form of bank transfer would be advantageous for the self-employed obligor. Barbara Saunders noted that the state of Ohio uses this routinely for their self-employed obligors. This may be a best practice but would require further research.

**II. Enforcement tools for cases where only arrears are due**

**A. Who is the debtor**

There was some discussion as to if the criteria used by FTB to identify and profile the obligors are not specific enough. It was decided that a further review of this would be addressed under the JUDICIAL section.

**B. What is the debt**

No new recommendations.

This concluded the review of the prior meetings work up through page 7 of the document.

**C. TODAY'S TENTATIVE AGENDA**

A review of the 2<sup>nd</sup> draft document report on “**How to Make Uniformity in Enforcement of Child Support in California**” from page 8 forward.

This will take the committee through the following discussion items:

**Enforcement Tools For Cases Where Only Arrears Are Due**

- Mandated Enforcement Actions
- Administrative Enforcement Actions
- Judicial Enforcement Actions

**MANDATED ENFORCEMENT ACTIONS**

(It is noted that although FTB will be doing some of the actions below, currently they are not equipped to do all that they will do in the future. Presently FTB is responsible for: tax intercepts, FIDM, the child support collection program (FTB full collection) and development of the statewide system.)

**A. Real property liens**

It was noted that in addition to “abstract of judgement”, the added use of the term recordation of order should be used as counties can, and do, use both methods. Larry Silverman noted that a central repository for a title or escrow company to check for liens would not only be a cost-savings to the counties but allow the child support agencies not to miss property because of lack of knowledge of the county where the obligor had property. **RECOMMENDATION:** Future legislation. It was noted that currently, the

child support divisions have the best availability of knowledge of where to file liens and it would best if the responsibility stayed at the county level.

**B. SLMS (license revocation)**

It was discussed that there is a lack of uniformity in the counties as to criteria to return an obligor's license.

**RECOMMENDATION:** Standardize the criteria used to release a license.

Issues to review:

- ✓ What kind of license is it?
- ✓ How much is the arrearage?
- ✓ Is there current support due, how much current and arrears?
- ✓ Present family needs. (obligor and obligee's family)
- ✓ Interest on arrears
- ✓ Equitable issues
- ✓ Past promises to pay
- ✓ Age of the children
- ✓ When does the license come up for renewal?

It was decided that this was an issue to send to the **Steering Committee**. The P3 group will come back to this issue at a later date.

**ACTION ITEM:** Herb Hortsman-family law facilitator will check with the community to see if there is a better way to get the information out to the public regarding the use of the facilitator service.

**RECOMMENDATION:** Use of county and city ordinance to revoke permits for obligors that are not in compliance with their child support. Much the same as a SLMS hit.

Larry Silverman noted that in L.A. county, no vendor can do business for the county without submitting all of their employees to a database for a check on child support obligation. This was passed by their board of supervisors and is in every contract that the county signs. This is a good best practice.

**C. Pensions**

Legislation requires that within 18 months after the implementation of the statewide system that DCSS must send all delinquent cases to PERS to withhold any benefits and refunds payable to the obligor.

**RECOMMENDATION:** Review attaching 401k or Keogh accounts, all public retirement, not just PERS.

**D. IRS/FTB Intercepts**

**RECOMMENDATION:** If refunds are intercepted erroneously by the child support department, the department is required to refund the money within 15 days, no matter if the department has received the money or not. This practice is not being complied with in all counties. Education of all counties as to this requirement is recommended.

If the refunds are intercepted within the right of the county, the obligor shall wait for the money to be refunded from the intercepting agency prior to refunding the money to the obligor. The State provides money to all counties for the purpose of refunding due to errors, but there is a cap on that amount.

**E. Financial Institution Match**

This is a great tool provided by FTB for the counties as it eliminates the need to do "in-house" levies on most of the bank accounts.

**RECOMMENDATION:** Closely monitor the pilot project taking place with OCSE to get multi state financial data match and attempt to be proactive in initiating this program within the state of California.

**F. State Utility Match**

No recommendation for change

**G. Passports**

Much like the SLMS licensing hold there is inconsistency among the counties on the criteria used to release the passport holds.

**RECOMMENDATION:** To standardize the criteria used to release passports. Also, if the counties take the passport in error, the county should pay the \$35.00 cost of expediting the release of the passport.

**K. Wage Assignments**

No new recommendations. **ACTION ITEM:** Larry Silverman will review to see if there is a statute to force union halls to comply with wage assignments.

**L. FTB Full collection:**

**RECOMMENDATION:** Change name of this to “FTB Child Support Collection.”

**M. Lottery Intercepts:**

No recommended changes

**N. UIB and Unemployment collection**

No recommended changes

**O. California and Federal parent locator service**

No recommended changes

**P. Credit agency reporting**

No recommended changes

**Q. Disability Intercepts**

No recommended changes

**R. Interest on Judgment is mandatory**

**This is a parking lot issue:** Some of the thoughts that effect this issue are;

- ✓ There is a move nationally to an agreed upon interest rate for all states.
- ✓ Interest on most consumer credit cards is higher and encourages obligors to pay highest interest rate first.
- ✓ Penalties were eliminated for IV-D cases where as 72% penalties can be assessed against a non-IV-D case.
- ✓ Should courts have equitable authority to decrease or forgive interest on some cases?

**S. Contact with the obligor**

There was a consensus last week among the members that predictive dialing was not a satisfactory method of contacting the obligor. Larry Silverman is of the opinion that predictive dialing is successful in L.A. County and in the business world and would like to be noted as a minority opinion on this matter.

**T. Workers Compensation Collection**

Writ of executions for salaries or bank accounts should be completed by FTB as they are the most efficient, but can also be used by counties for those banks that FTB cannot “hit”. Writs of Possession for other assets should be considered a low priority tool but used at the discretion of the county.

**U. Lis Pendens on lawsuits**

**ACTION ITEM:** Phyllis will do write up on how to do the lien on a lawsuit.

**RECOMMENDATION:** One central area for insurance companies to view obligors prior to distributing proceeds of lawsuit.

**V. Electronic Fund Transfer** (mandatory bank deductions)

Move to JUDICIAL.

**W. IRS Full Collection**

This tool requires a great deal of information to be provided to the IRS in regards to the assets of the obligor. A fee must be paid to the IRS for this service. Although this is a low priority tool, it is very effective under the right circumstances.

**X. Penalties**

IV-D agencies cannot assess penalties on uncollected child support.

**Y. Long Arm Jurisdiction**

Since there is a change in the federal focus to use a one-state process whenever possible, rather than creating a two-state case, the **RECOMMENDATION** is to: Develop a matrix listing all criteria.

**Z. Security Bonds**

Move to JUDICIAL

**JUDICIAL**

**A. Contempt of Court**

270 Criminal failure to provide child support

271 Criminal failure to provide for a child less than 14 years of age

Civil Contempt-“Convicted and sent to jail, can get out if they pay.”

Criminal Contempt-“Convicted, sent to jail-punishment.”

**ACTION ITEM:** Tricia will write up Contempt information.

**B. Order for Appearance of Judgment Debtor**

**ACTION ITEM:** Tricia will write up Judgment Debtor Exam information.

**C. Claims in other courts (1) Probates (2) Bankruptcy**

**RECOMMENDATION:** Better and more training for county staff. Moved to crossover item.

**D. Modification**

Discussion as to the counties using the modification process to ensure that all orders are representative of a fair and justified child support order; using the process to increase and decrease the orders.

**E. Charging orders**

Although rarely used, this is a valuable tool in the right circumstances

**F. Federal Criminal Prosecution**

No recommendation for change

**G. Health Insurance Reimbursement**

No recommendation for changes. Noted that unless the health insurance reimbursement is reduced to a judgment, IV-D cannot enforce.

**H. Restraining Orders**

Deleted from list

**I. Injunctions**

Deleted from list

**J. Other jurisdictions ideas**

Add to list in report-payment by credit card.

**K. Employer Contempt**

**RECOMMENDATION:** Set criteria for checking with employer for payment and doing follow-up.

**Items moved to JUDICIAL, but not discussed**

Security Bonds

More specific profiling of defendants

**Best practices discussed**

- ◆ EFT
- ◆ Board of supervisor approved requirement that all vendors doing business with the county provide a list of employees to run against the child support obligor list.
- ◆ Education of all counties of rule that they are required to return intercepted funds to obligors if intercepted in error.

**Cross-over item**

**Training Committee:**

Education and training for claims in other courts (1) probate (2) bankruptcy

**Case Closure Committee:**

Does the DOJ allow for locate services for the location of the custodial parent?

**C. DISCUSSION ISSUE**

This committee was going to come back to the issue of SLMS criteria and modification of orders.

**D. SENT TO THE STEERING COMMITTEE**

**SLMS (license revocation)**

It is noted that there is a lack of uniformity in the counties as to criteria to return an obligor's license.

**Modifications**

Discussion as to the counties using the modification process to ensure that all orders are representative of a fair and justified child support order; using the process to timely increase and decrease the orders.

**E. ACTION ITEMS/HOMEWORK ASSIGNMENTS FOR NEXT SESSION**

- Larry Silverman will review to see if there is a statute to force union halls to comply with wage assignments.
- Herb Hortsman-family law facilitator will check with the community to see if there is a better way to get the information out to the public regarding the use of the facilitator service and check into the revolving fund

- Phyllis will do write up on how to do the lien on the lawsuit
- Tricia will write up Contempt information
- Larry will check with DOJ to see if locate services can be made available to locate the custodial parent.
- Pam will check on full IRS enforcement information
- Barbara will check on the EFT and SDU requirements
- Barbara will check on information on Long-arm recommendation workshop
- Barbara will check on the federal requirements and definition of financial institutions

## **F. ANCILLARY (PARKING LOT) ISSUES**

### **Interest on Judgment is mandatory**

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- ✓ There is a move nationally to an agreed upon interest rate for all states.
- ✓ Interest on most consumer credit cards is higher and encourages obligors to pay highest interest rate first.
- ✓ Penalties were eliminated for IV-D cases where as 72% penalties can be assessed against a non-IV-D case.
- ✓ Should courts have equitable authority to decrease or forgive interest on some cases?

### **How do enforcement remedies relate?**

#### **Enforcement against employers**

**When does the FTB do the wage assignment and when does the county do the wage assignment?**

#### **EDIX-use of the workers comp network**

**How does the court time availability affect judicial review?**

## **G. ATTACHMENTS**

None

## **L. NEXT MEETING**

The committee members were advised to bring to the table for the next meeting, recommendations for best practices. The next meeting is scheduled for August 21, 2000 @ 10:00 am.